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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,000	08/07/2001	Peter Robert Foley	7940	1791

27752 7590 11/20/2002

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
WINTON HILL TECHNICAL CENTER - BOX 161  
6110 CENTER HILL AVENUE  
CINCINNATI, OH 45224

[REDACTED] EXAMINER

KUMAR, PREETI

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

1751

DATE MAILED: 11/20/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/891,000	FOLEY ET AL. <i>ZH</i>
	Examiner Preeti Kumar	Art Unit 1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 September 2002.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 10 and 16-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 10, 16-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 10 and 16-29 are pending.
2. The rejection of claim 10 under 35 U.S.C. 112 is maintained in light of applicant's amendment. Applicant has added a non-limiting expression, "at least about" in parts b and d. Also the examiner notes in claim 10, that changing parts a and b to c and d in the marked up copy is confusing and unnecessary.
3. The rejection of claims 10, 16-29 under 35 U.S.C. 102(a) as being anticipated by Vinson et al. (US 5,990,065) is withdrawn in light of Applicant's amendment dated September 5, 2002.
4. The objection of claims 27-28 is maintained for the reasons of record, cited in the previous office action, paper no.5, dated April 5, 2002.

### ***Response to Arguments***

5. Applicant's arguments filed on September 5, 2002 in paper # 6, have been fully considered and the previous rejection of claims 10, 16-29 under 35 U.S.C. 102(a) as being anticipated by Vinson et al. (US 5,990,065) is withdrawn in light of Applicant's amendment.

### ***New Grounds of Rejection***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 10, 16-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vinson et al. (US 5,990,065).

Vinson et al. teach a liquid dishwashing detergent composition comprising from 0.000 1% to 2% by weight, of an amylase enzyme; and from about 0 to 3% by weight, of a suds booster, betaine; wherein said composition has a pH greater than 8. See col.15, ln.15-18, col. 26 example I formulation A-F, and col.2, ln.23-40. Specifically regarding the ability to remove greasy soil from dishware, Vinson et al. teach that superior grease cleaning and dissolution performance are obtained if the pH of the detergent is maintained in the range of about 8.0 to about 12. See col.4, ln.49-54.

Specifically regarding claims 16 and 17, Vinson et al. teach the utility of anionic, nonionic, and cationic surfactants. An effective amount of a surfactant typically is in the range of from about 0.5% to about 90% by weight. See col.6, ln.33-37.

Specifically regarding claims 18-20, Vinson et al. teach the utility of from about 0.25% to about 15% by weight, of a diamine wherein the pK1 and pK2 of each diamine is from about 8 to about 11.5. See col.2, ln.29-37; and col.4, ln.5-10.

Specifically regarding claims 21 and 28, Vinson et al. teach examples of preferred diamines including dimethyl aminopropylamine, 1,6-hexanediamine, 1,3-propanediamine, 2- methyl-1,5-pentanediamine, and 1,3-pentanediamine. See col.5-6.

Specifically regarding claims 22 and 27, Vinson et al. teach that detergent compositions may further comprise enzymes which provide cleaning performance benefits such as cellulases, hemicellulases, peroxidases, proteases, gluco-amylases, lipases, cutinases, pectinases, xylanases, reductases, oxidases, phenoloxidases, lipoxygenases, ligninases, pullulanases, tannases, pentosanases, malanases, P-glucanases, and arabinosidases. See col.13,ln. 45-60.

Specifically regarding claims 23-25, Vinson et al. teach the utility of suds boosters, such as betaines and sulfobetaines ("sultaines"). See col.11, ln.55-60. The examiner notes that Vinson et al. illustrate in example 1 formulations A-F, the range of a betaine suds booster that may be incorporated into the composition, and thereby, Vinson et al. teach the use of a suds booster in an amount encompassed by the range recited by the instant claims.

Vinson et al. illustrate in example I formulation E, a liquid dishwashing detergent composition comprising: an amylase enzyme; a linear alkyl benzene sulfonate surfactant, a diamine, and a betaine suds booster. See col.26. ex.1.formulation E.

Vinson et al. do not specifically teach a liquid dishwashing detergent composition comprising 2.1% to 5% by weight of an amylase enzyme as recited by the amended claims. However, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to formulate a liquid dishwashing detergent composition

comprising 2.1% to 5% by weight of an amylase enzyme as recited by the amended claims, with a reasonable expectation of success, because the teachings of Vinson et al. suggest a liquid dishwashing detergent composition comprising 2% by weight of an amylase enzyme, and further, one of ordinary skill in the art would have been motivated to optimize the amount of amylase enzyme to maximize the removal of carbohydrate-based stains.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9309.

Preeti Kumar  
Examiner  
Art Unit 1751

PK  
November 18, 2002



YOGENDRA N. GUPTA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700